

Patent Application No. 09/728,095

REMARKS

This Amendment is made in response to the Office Action dated October 12, 2005 ("OA"). In the Office Action, claims 18, 19, 21-23, 25-27 and 29-32 were rejected under 35 USC §112, and claims 18, 19, 21-23, 26, 27 and 30-32 were rejected under 35 USC §103. By this Amendment, claims 18, 22, and 26 are amended, and cancel claims 20, 21, 24, 25, 28 and 29 are canceled. Currently pending claims 18, 19, 22, 23, 26, 27 and 30-32 are believed allowable, with claims 18, 22 and 26 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §112:

Claims 18, 19, 21-23, 25-27 and 29-32 were rejected under 35 USC §112, first paragraph. OA, pg. 3. The Office Action alleged that the term "may" rendered claims 18, 22 and 26 indefinite. By this amendment, claims 18, 22 and 26 are amended to remove the phrase "that may contain the solution".

CLAIM AMENDMENTS:

The subject matter of claims 21, 25 and 29 (now canceled) was indicated allowable if rewritten in independent form. OA, pg. 7. By this amendment, the subject matter of claims 21, 25 and 29 is incorporated into independent claims 18, 22 and 26, respectively. These amendments are made to expedite allowance of the present application. Amendments to claims 18, 22 and 26 are not made to overcome the cited art since, as discussed below, the combined cited art is not available as prior art against the present application.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 18, 19, 21-23, 26, 27 and 30-32 were rejected under 35 USC §103 as allegedly being obvious over U.S. Patent Application Publication No. 2002/0107838A1 ("Tsai") in view of U.S. Patent Application Publication No. 2002/0123984A1 ("Prakash"). OA, pg. 4. "A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." 35 USC §103 (emphasis added).

In rejecting claims 18, 19, 21-23, 25-27 and 29-32, the Office Action combines the teachings of Tsai with Prakash. The effective filing date of

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Parkash is October 26, 2001. In contrast, the filing date of the present application is December 1, 2000. Thus, it is respectfully submitted that the cited teachings of Parkash should not be available as prior art against the present application.

For at least this reason, claims 18, 19, 22, 23, 26, 27 and 30-32 are believed allowable over the cited art of record.


CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

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Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588